

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:)	Case No. 16-22499-CMB
)	Chapter: 13
Julie Shank-Michaux,)	Related to:
<i>Debtor(s)</i>)	Docket No. 58
)	
Julie Shank-Michaux,)	
<i>Movant(s)</i>)	
)	
vs.)	
)	
PNC Bank, National Association,)	
Office of the United States Trustee,)	
<i>Respondents</i>)	
Ronda J. Winnecour, Eq.,)	
<i>Chapter 13 Trustee, W.D. PA</i>)	

ORDER CONFIRMING CHAPTER 13 SALE OF PROPERTY
FREE AND DIVESTED OF LIENS

AND NOW, this 15th of October, 2018, on consideration of the Debtor's Motion for Sale of Property Free and Divested of Liens to Timothy & Sara Godak, for \$292,000.00, after hearing held in Courtroom B, 54th Floor, 600 Grant Street, Pittsburgh, PA, this date, the Court finds:

(1) That service of the Notice of Hearing and Order setting hearing on said Motion for private sale of real property free and divested of liens of the above named Respondent, was affected on the following creditors since the Debtor does not have any secured liens against the property.

DATE OF SERVICE

NAME OF LIENOR AND SECURITY

September 28, 2018

All Parties Listed on the Mailing Matrix

(2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of serviced duly filed and that the named parties were duly served with the Motion.

(3) That said sale hearing was duly advertised in the Pittsburgh Post-Gazette

on October 11, 2018 and in the Allegheny County Legal Journal on 10/11/18 as shown by the Proof of Publications that are to be duly filed.

(4) That at the sale hearing the highest/best offer received was that of the above Purchasers and no objections to the sale were made which would result in cancellation of said sale.

(5) That the price of \$292,000.00 was offered by Timothy & Sara Godek was a full and fair price for the property in question.

(6) That the seller's real estate agent was appointed by Court Order dated May 9, 2018 and Court Order was dully filed at docket number 55.

(7) That the Purchaser has acted in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F2d.143 (*3d Cir. 1986).

Now therefore, **IT IS ORDERED, ADJUDGED AND DECREED**, that the sale by Special Warranty deed of the real property described as 613 Rockland Drive, Pittsburgh, PA 15239-2057 in Allegheny County is hereby **CONFIRMED** to Timothy & Sara Godek for \$292,000.00, free and divested of the above recited liens and claims, and, that the Movant is authorized to make, execute and deliver to the Purchasers above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

IT IS FURTHER ORDERED, that the above recited liens and claims, be, and they hereby, are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

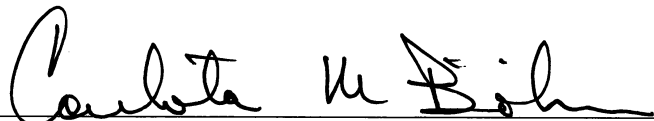
FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. ***Failure of the closing agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions***, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order. Except as to the distribution specifically authorized herein, all remaining funds shall be held by Counsel for Movant pending further Order of this Court after notice and hearing.

- (1) The following liens(s)/claim(s) and amounts; PNC Bank, N.A. in the approximate amount of \$150,000.00. The total pay-off amount will be determined when the closing agent obtains the exact pay-off at the time of the closing;
- (2) Delinquent real estate taxes and municipal fees, if any;
- (3) Current real estate taxes, pro-rated to the date of closing;
- (4) The costs of local newspaper advertising in the amount of \$281.25;
- (5) The costs of legal journal advertising in the amount of \$194.55;

- (6) The Court approved realtor commission in the amount of 5% of sale price or a total of \$14,600.00;
- (7) Motion to Sell Free & Clear Filing Fee Reimbursement in the amount of \$275.00 payable directly to Steidl & Steinberg, P.C. at Suite 2830 – Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219;
- (8) Court approved attorney fees and costs in the amount of \$2,995.00 payable directly to Steidl & Steinberg, P.C. at Suite 2830 – Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219;
- (9) The Debtor's Exemption in the amount of \$23,675.00 payable directly to Julie Shank-Michaux;
- (10) Chapter 13 Trustee "percentage fees" in the amount of \$ 0.00 payable to "Ronda J. Winnecour, Ch. 13 Trustee, P. O. Box 2587, Pittsburgh, PA 15230";
- (11) The "net proceeds" from the closing as identified on the HUD-1 to the Chapter 13 Trustee payable to "Ronda J. Winnecour, Ch. 13 Trustee. PO Box 84051, Chicago, IL 60689-4002"
- (12) ~~Other:~~ _____.

FURTHER ORDERED that:

- (1) ***Within seven (7) days of the date of this Order***, the Movant/Plaintiff shall serve a copy of the within *Order* on each Respondent/Defendant (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney of the debtor, the Closing Agent, the Purchaser, and the attorney for the Purchaser, if any, and file a certificate of service.
- (2) ***Closing shall occur by November 5, 2018 unless additional time is granted by this honorable court.***
- (3) ***Within seven (7) days following closing***, the Movant/Plaintiff shall file a ***Report of Sale*** which shall include a copy of the HUD-1 or other Settlement Statement; and,
- (4) This *Sale Confirmation Order* survives any dismissal or conversion of the within case.


CARLOTA M. BOHM
United States Bankruptcy Judge

FILED
10/15/18 2:29 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
Western District of Pennsylvania

In re:
Julie Shank-Michaux
Debtor

Case No. 16-22499-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: kthe
Form ID: pdf900

Page 1 of 1
Total Noticed: 1

Date Rcvd: Oct 15, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 17, 2018.

db #+Julie Shank-Michaux, 613 Rockland Drive, Pittsburgh, PA 15239-2057

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 17, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 15, 2018 at the address(es) listed below:

Ann E. Swartz on behalf of Creditor BMO Harris N.A. ecfmail@mw-c-law.com,
ecfmail@ecf.courtdrive.com
Celine P. DerKrikorian on behalf of Creditor BMO Harris N.A. ecfmail@mw-c-law.com
James Warmbrodt on behalf of Creditor Peoples Natural Gas Company, LLC
bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION bkgroup@kmlawgroup.com
Kenneth Steidl on behalf of Debtor Julie Shank-Michaux julie.steidl@steidl-steinberg.com,
ken.steidl@steidl-steinberg.com; ifriend@steidl-steinberg.com; asteidl@steidl-steinberg.com; todd@steidl-steinberg.com; cgoga@steidl-steinberg.com; rlager@steidl-steinberg.com; leslie.nebel@steidl-steinberg.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,
ckutch@ecf.courtdrive.com; acarr@bernsteinlaw.com
Robert H. Slone on behalf of Creditor Franklin Regional Schools Federal Credit Union
robertslone223@gmail.com, rslone@pulsenet.com; G17689@notify.cincompass.com
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company, LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com; srk@sjwpgh.com

TOTAL: 10